



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
2170 SW Canal Street  
Stuart, FL 34997

REPLY TO  
ATTENTION OF

22 FEB 2008

Regulatory Division  
Special Projects and Enforcement Branch  
SAJ-2005-7521(NW-AAZ)

Florida Department of Transportation, District VI  
Attn: Mr. Nasser Brahim  
1000 NW 111<sup>th</sup> Avenue  
Miami, FL 33172

Dear Mr. Brahim:

Your application for a Department of the Army permit received on January 7, 2008, has been assigned number SAJ-2005-7521(NW-AAZ). A review of the information and drawings provided shows the proposed work involves modifying the interchange of State Road (SR) 826 (Palmetto Expressway) and NW 122<sup>nd</sup> Street in Miami Dade County. The road improvements include widening the existing NW 122<sup>nd</sup> Street bridge over Peter's Pike Canal to accommodate a right turn lane to southbound SR 826. The activities include placement of riprap within portions of the canal to retain its design configuration, removal of portions of the existing concrete sheet pile walls, placement of piles, concrete panels and caps for new bulkhead walls, and backfilling with clean fill behind the proposed bulkhead walls. In addition, the FDOT proposes to construct two new outfalls (S-07 and S-21) within the Peter's Pike Canal. All of these new outfalls will be protected by pollution control devices and fitted with manatee exclusion grating. As a result of the project, approximately 26.46 cubic yards of material would be dredged from 0.0292 acres of Peter's Pike canal to accommodate the outfall pipes, 140.72 cubic yards of material would be placed within 0.0311 acres of surface waters associated with the road widening, and 0.004 acres of surface waters would be shaded due to the road widening. The project is located in the Peter's Pike Canal adjacent to State Road 826 in Sections 27 and 34; Township 52 South, Range 40 East, Miami-Dade County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 43. In addition, project specific conditions have been enclosed. This

verification is valid until 22 FEB 2010. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 43. A copy of a portion of the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, has been enclosed, specifically pages 11180 through 11198. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall

be made against the United States on account of any such removal or alteration.

3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us) or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

4. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

5. Reduction and/or elimination of turbid water conditions in adjacent water bodies and wetlands are to be achieved through the use of silt curtains or screens in the construction area during periods of fill placement.

6. The permittee shall abide by the Standard Manatee Construction Conditions during all in-water work.

7. The permittee shall install and maintain manatee protection grating on the two new outfall structures (S-07 and S-21) permitted under this authorization.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Alisa Zarbo by telephone at 772-219-8418.

This letter contains an approved jurisdictional determination. Enclosed you will find the approved jurisdictional determination form and a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you object to this determination, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. If you request to appeal this determination, you must submit a

completed RFA form to the South Atlantic Division Office at the following address:

Mr. Michael F. Bell  
South Atlantic Division  
U.S. Army Corps of Engineers  
CESAD-CM-CO-R, Room 9M15  
60 Forsyth St., SW.  
Atlanta, Georgia 30303-8801.

Mr. Bell can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.


In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by 22 APR 2008.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:

[http://www.saj.usace.army.mil/permit/forms/customer\\_service.htm](http://www.saj.usace.army.mil/permit/forms/customer_service.htm).  
Your input is appreciated - favorable or otherwise.

Sincerely,



 Paul L. Grosskrüger  
Colonel, U.S. Army  
District Engineer

Enclosures

Copy Furnished:  
CESAJ-RD-PE

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GENERAL CONDITIONS

33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on date identified in the letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW 43  
Application Number: SAJ-2005-7521

Permittee's Name & Address (please print or type): \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): \_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): \_\_\_\_\_

\*\*\*\*\*

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date



DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: \_\_\_\_\_

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(LOT)

\_\_\_\_\_  
(BLOCK)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE)

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: FDOT, District 6

File Number: SAJ-2005-7521

Date: 22 FEB 2008

Attached is:

See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cccw/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- *OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.*

B: PROFFERED PERMIT: You may accept or appeal the permit

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- *APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- *ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*
- *APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

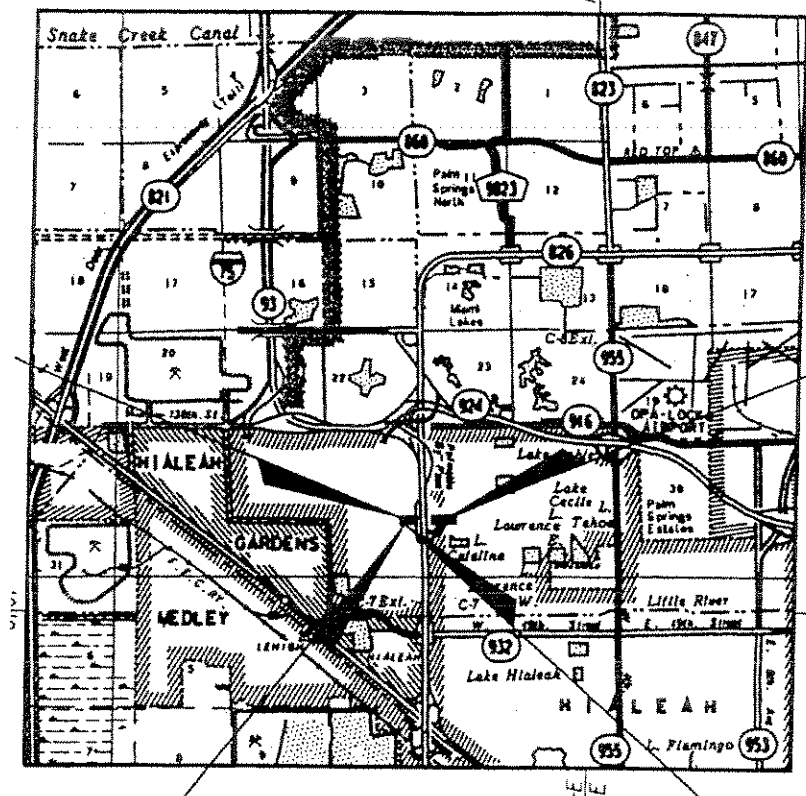
**Project Manager as noted in letter**

If you only have questions regarding the appeal process you may also contact:

**Michael F. Bell  
404-562-5137**

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
-------------------------------------------	-------	-------------------



↑  
 N  
 (no scale)

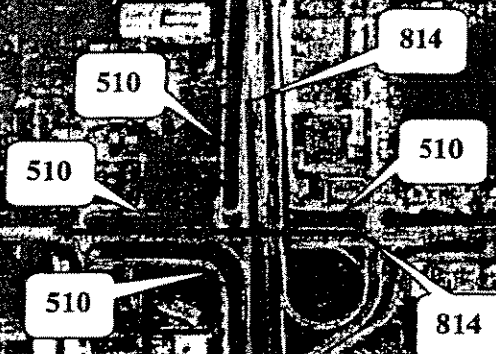
SR 826, NW 122 St. from W 21 Ct to W 20 Ave  
 LOCATION MAP

US ARMY CORPS OF ENGINEERS

SEP 19 2005

MIAMI REGULATORY OFFICE

1 of 4  
2005-7521  
K.6



Legend

0 250 500 1,000 Feet

Source: Miami-Dade County IT Dept.

Project: SR 826 and NW 122<sup>nd</sup> St. Interchange

Location: Miami-Dade County, Florida

FM No.: 416177-1-52-01

Scale: 1 inch = 1,000 feet

FLUCFCS Map- Figure 5

— Project Corridor  
510- Streams and Waterways  
814- Roads and Highways

SHADING IMPACTS OVER SURFACE  
WATERS (BRIDGE OVER CANAL) =  
175 S.F. (10.004 AC)

FILLING WITHIN SURFACE WATERS  
= 71 S.F. (10.0016 AC)

FABRIC FORMED  
CONCRETE RIP-RAP = 1,855 S.F.

FLOATING TURBIDITY  
BARRIER

Exist. Limited  
Access R/W

E. Peter's Pike Canal

Begin Bridge  
Sta. 15+91.30

End Bridge  
Sta. 16+14.30

Water Main  
(to Remain)

Construction  
N.W. 122nd St.

Begin Appr. Slab  
Sta. 15+71.30

End Appr. Slab  
Sta. 16+34.30

Canal  
Sta. 16+02.80

End Wall 1  
Sta. 15+90.75  
(7.64' L.)  
(Ramp D-1)

Begin Wall 2  
Sta. 16+14.61  
(18.00' L.) (Ramp D-1)

STA. 17+15.00 & CONST. =  
STA. 10+00.00 (18' W. 20th AVE)

Ramp D-1

Begin Wall 1  
Sta. 15+57.50 (18.00' R.)  
(Ramp D-1)

Existing Gas Line  
(to be Relocated)

Proposed Fabric-Form Concrete  
Rip-Rap (See Detail Sheet No. 21)

FLOATING TURBIDITY  
BARRIER

Proposed Limited  
Access R/W

End Wall 2  
Sta. 17+82.20 (18.00' R.)  
(Ramp D-1)

PLAN

4" CANAL

1" CANAL

1" CANAL

1" CANAL

ENGINEER OF RECORD

KEITH and SCHNARS, P.A.

ENGINEERS - PLANNERS - SURVEYORS  
1301 ANDREWS AVE., SUITE 1100  
FORT LAUDERDALE, FL 33304  
CERTIFICATE OF AUTHORIZATION NO. 1337  
P.E. NO. 64760

STATE OF FLORIDA

DEPARTMENT OF TRANSPORTATION

ROAD NO.

SR 826

COUNTY

MIAMI-DADE

FINANCIAL PROJECT ID

41617-1-52-01

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

NW 122nd ST BRIDGE

SHEET  
NO.

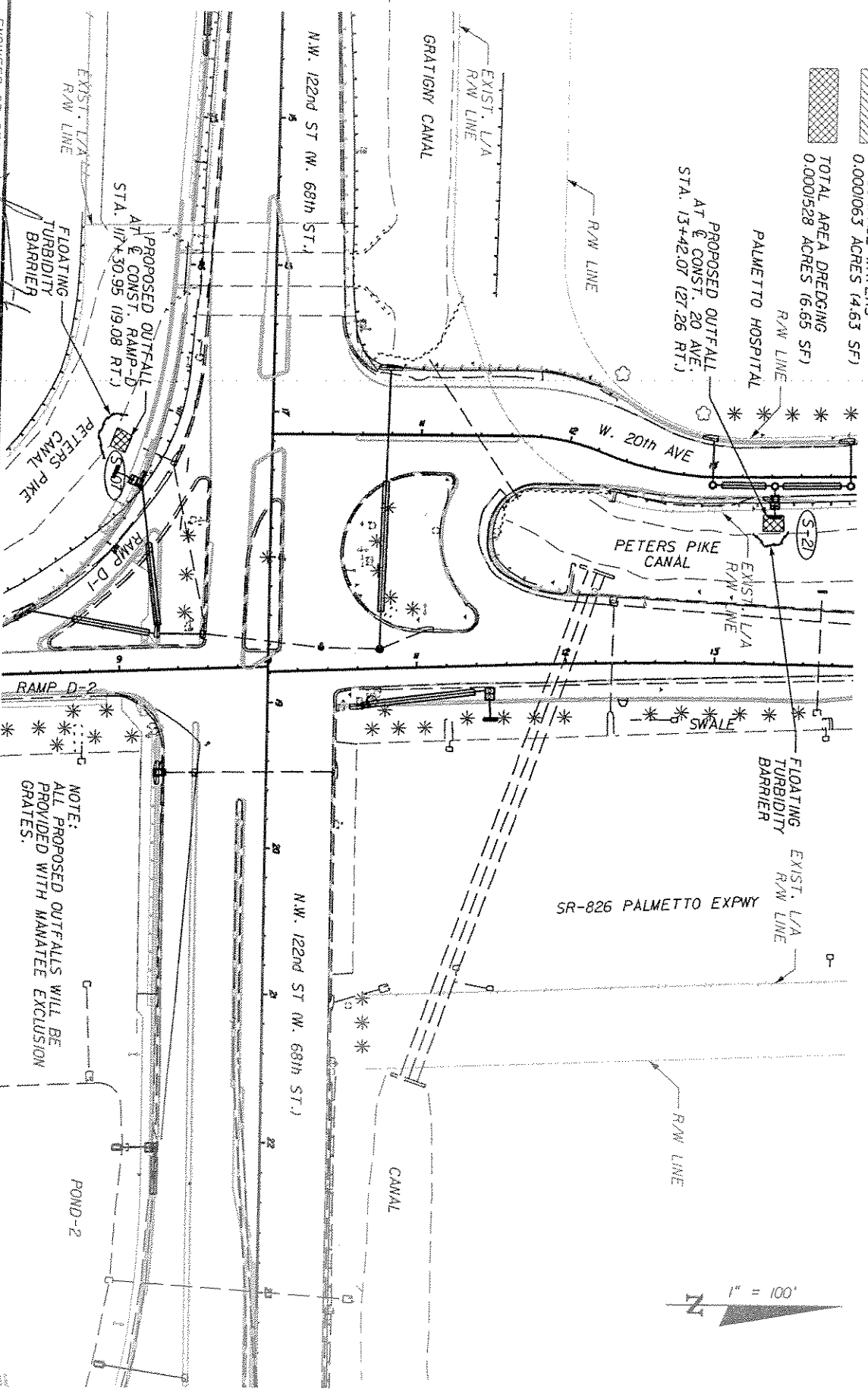
1





TOTAL AREA OF FILL  
IN SURFACE WATERS  
0.0001063 ACRES (14.63 SF)

TOTAL AREA DREDGING  
0.0001528 ACRES (16.65 SF)



ENGINEER OF RECORD  
12/16/07

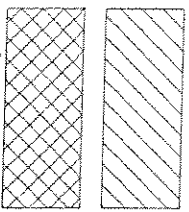
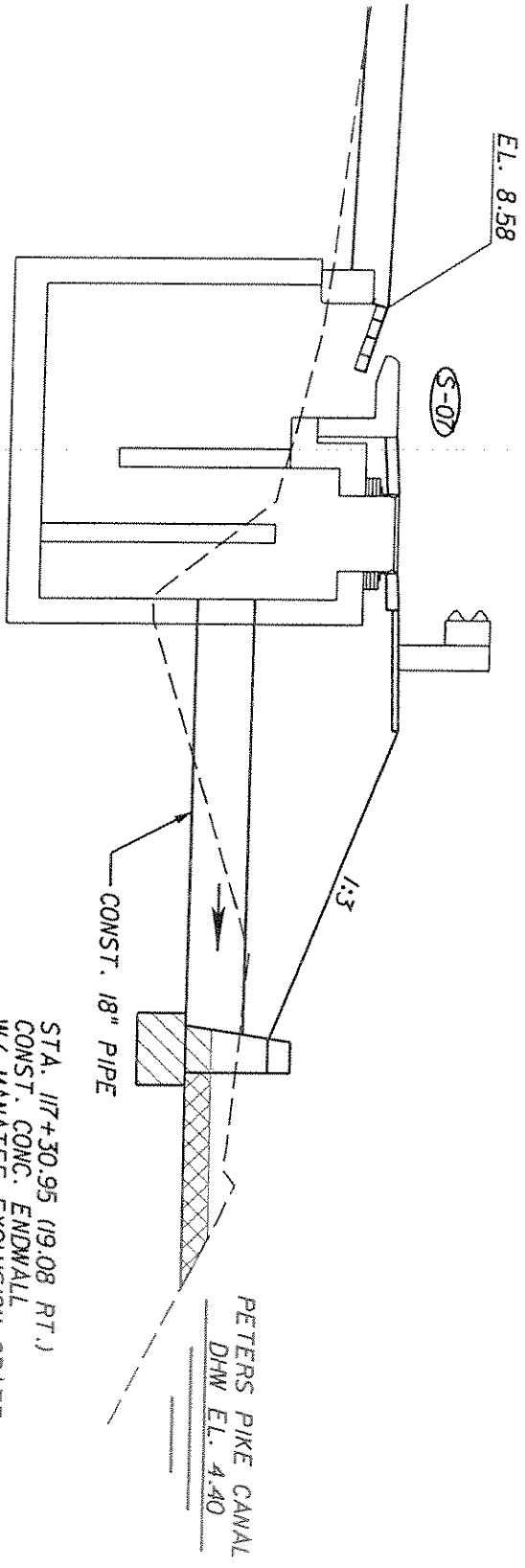
ASP Consulting Transportation  
Engineers Corporation  
10205 N.W. 41st Ave., Suite 105  
Miami, FL 33187 / 305.593.954  
ENGINEERS 24 Hrs. 1.833.007.779

STATE OF FLORIDA		
DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 826	MIAMI-DADE	41617-1-52-01

NW 122 ST. IMPROVEMENTS  
PROPOSED OUTFALLS

SHEET NO. 3





TOTAL VOLUME OF FILL  
IN SURFACE WATER (1.19 CY)

TOTAL VOLUME OF DREDGE  
(1.25 CY)

STA. 117+30.95 (19.08 RT.)  
CONST. CONC. ENDWALL  
W/ MANATEE EXCLUSION GRATE  
("GUARD AT PIPE ENDS")  
INDEX NO. 250, 280  
FL EL. = 3.70 (LT.)

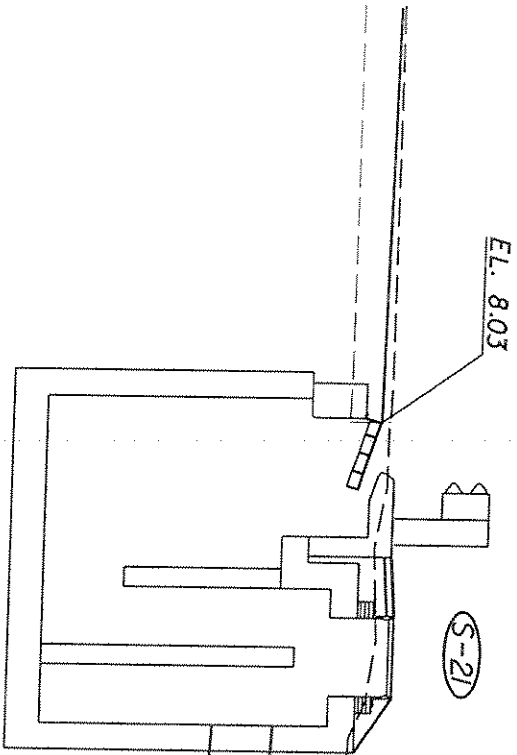
PETERS PIKE CANAL  
DHW EL. 4.40

ENGINEER OF RECORD:  
12/13/27  
A&P Consulting Transportation  
Engineers Corporation  
0226 N.W. 4th Street, Suite 108  
Fort Lauderdale, FL 33304  
Phone: 305-555-1000 / Fax: 305-555-1001  
Email: info@aap-engineers.com

STATE OF FLORIDA			
DEPARTMENT OF TRANSPORTATION			
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
SR 826	MIAMI-DADE	416117-1-52-01	

OUTFALLS DETAILS

SHEET  
NO. 4

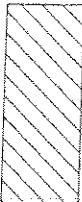


PETERS PIKE CANAL  
DHW EL. 4.40

CONST. 18" PIPE

STA. 13+42.07 (27.26 RT.)  
CONST. CONC. ENDWALL  
W/ MANATEE EXCLUSION GRATE  
("GUARD AT PIPE ENDS")  
INDEX NO. 250, 280  
FL EL. = 3.60 (LT.)

TOTAL VOLUME OF FILL  
IN SURFACE WATER (0.53 CY)



TOTAL VOLUME OF DREDGE  
(1.21 CY)



ENGINEER OF RECORD *12/16/17*  
**AP**  
ENGINEERS  
A&P Consulting Transportation  
Engineers Corporation  
1550 N.W. 41 Street, Suite 105  
Fort Lauderdale, FL 33309  
Phone: (954) 591-6394  
Fax: (954) 591-6395  
www.ap-engineers.com

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 826	MIAMI-DADE	416117-1-52-01

**OUTFALLS DETAILS**

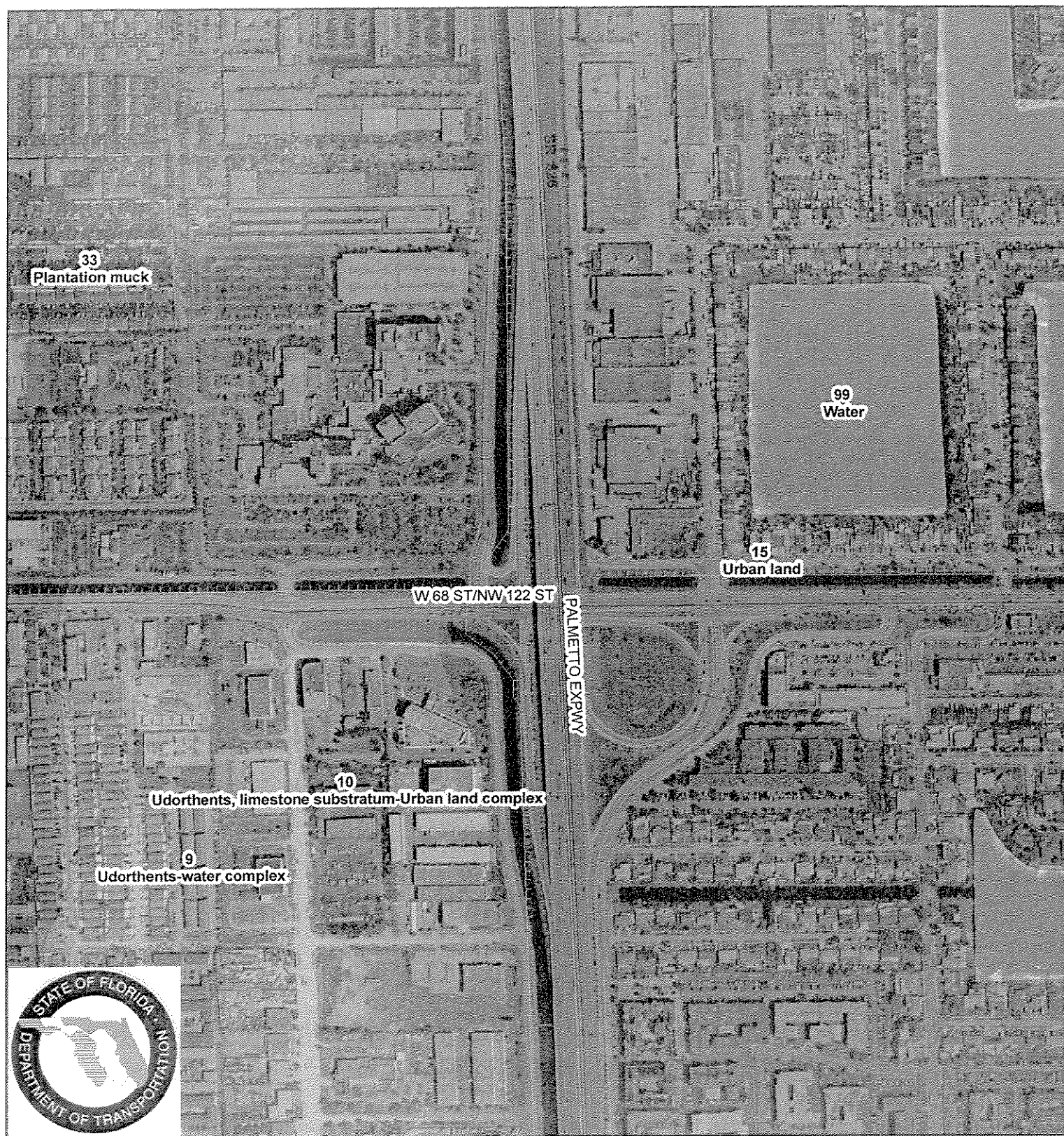
SHEET  
NO.

5

12/16/2017

12/16/17

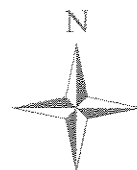
12/16/17 10:00 AM (2017/12/16) 12/16/17 10:00 AM (2017/12/16) 12/16/17 10:00 AM (2017/12/16)



**Title:** Soils Map  
**Source:** Miami-Dade County IT Dept.  
**Project:** SR 826 and NW 122nd Street Interchange  
**Location:** Miami-Dade County, Florida  
**FM No.:** 416117-1-52-01  
**Scale:** 1 inch equals 500 feet

### Legend

— State Road  
 - - - Road  
 = Canal



# **ATTACHMENT F**

## **Turbidity Monitoring Plan**

The FDOT contractor will be required to meet all applicable State water quality standards during construction activities. The awarded contractor is required to take all necessary measures to control turbidity. These measures may include the use of turbidity barriers, timing construction activities with tidal cycles, modifications to equipment, or ceasing operations completely if necessary. Turbidity barriers will not be constructed of materials in which manatees could become entrapped. Proposed turbidity barriers are shown on the Dredge and Fill Impact Drawings enclosed as Attachment B to the permit application. Additional temporary and permanent erosion control barriers are discussed in the ERP application. The FDOT does not anticipate that there will be any significant impact due to sedimentation or water quality degradation during construction activities.

To ensure compliance, the FDOT will be responsible for implementing the following turbidity monitoring plan:

### **Turbidity Monitoring Plan**

Prior to construction activities, "background" and "compliance" water quality monitoring stations will be established. One background sampling location will be established at least 150 feet up-current from the work area, outside the influence of any construction activities. One compliance sampling location will be established just down-current of the work area or other appropriate location within the densest portion of any visible turbidity plume. *NOTE: Up-current and down-current determination shall be based on the tidal stage and water flow direction; therefore, one "background" and one "compliance" station will be established upstream and downstream within adjacent surface waters for a total of two stations for each.*

Turbidity will be monitored, using a Nephelometer or comparable in-situ turbidity monitoring instrument calibrated and maintained per the manufacturer's specifications, at both "background" and "compliance" locations every 4 hours during all in-water construction activities, beginning 1 hour after commencement of construction. During each sample collection event (background and compliance), samples shall be collected at the following three levels of the water column: 1) one-foot below the surface, 2) mid-depth, and 3) one-foot above the bottom.

The compliance location, given the above, shall be considered the limit of the temporary mixing zone for turbidity allowed during construction. The permittee shall provide the SFWMD ERP Compliance/Enforcement Section with a report, via fax, on the same day that an exceedence occurred, providing the following information for each sampling event when the compliance sample exceeded background levels:

1. Permit number;
2. Project name;
3. The sample collection date, time, location, and depth; water depth; tidal stage and direction of flow for the sample(s) that exceeded background levels (for all three sample depths) – include the turbidity results;
4. The time that the work was shut down and a description of what was done to remediate the situation;
5. The sample collection date, time, location, and depth; water depth; tidal stage and direction of flow for the samples that documented that compliance samples no longer exceeded background levels (for all three sample depths) - include the turbidity results;
6. The time that work resumed; and
7. Nephelometer calibration logs.

In addition, monthly monitoring reports containing all of the monitoring data will be submitted to the SFWMD (attention: ERP Compliance/Enforcement Section) with documents containing the following information:

- a. Permit number;
- b. Project Name;
- c. Dates of sampling and analysis;
- d. Time of day samples taken;
- e. Depth of water body;
- f. Depth of sample;
- g. Water depth;
- h. Antecedent weather conditions;
- i. Tidal stage and direction of flow;
- j. Wind direction and velocity;
- k. A statement describing the methods used in collection, handling, storage and analysis of the samples;
- l. A map indicating the sampling locations;
- m. A statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data;
- n. Turbidity sample results; and
- o. Nephelometer calibration logs.

If monitoring reveals that turbidity levels at the compliance location are 29 nephelometric units greater than background, all construction activities shall cease immediately and shall not resume until corrective measures have been taken, and turbidity has returned to background levels (based on turbidity sampling results). If exceedences of background turbidity occur frequently, construction activities shall be limited to slack and incoming tides.

A final report within 30 days of completion of in-water construction will be submitted to the SFWMD ERP Compliance/Enforcement Section which includes the following information: 1) the dates of commencement and completion of construction activities; 2) a description of the in-water construction - locations, methods and equipment used; 3) tables of turbidity data collected at the site which lists the date each sample was collected in one column, the value of every background sample collected at a given depth in a second column, the value of every compliance sample collected at a given depth in a third column, and the difference between the background and compliance values in a fourth column -- a separate table shall be provided for each set of compliance and background stations collected at different depths and at different locations; and 4) a statement identifying any violations of the turbidity standard which occurred during the event, the probable cause of the violation, and the corrective measure(s) taken to reduce turbidity.

# **ATTACHMENT G**

**FDOT Contractor Monitoring Protocol for the West  
Indian Manatee (*Trichechus manatus latirostris*)**

## ENDANGERED SPECIES.

(REV 2-27-96) (FA 3-26-96) (7-00)

SUBARTICLE 7-1.4 (Page 57) is expanded as follows:

Suitable habitat for the Manatee is located within the limits of this project and the water management district permit contains specific conditions in regard to Manatee protection.

The Contractor will be held responsible for any Manatees harmed, harassed, or killed as a result of project construction.

Take the following precautions to protect the Manatee:

(1) Advise construction personnel of the Manatees, of its endangered status, and of the need to avoid any actions that would jeopardize the existence of Manatees.

(2) Advise all work crews that there are civil and criminal penalties for harming, harassing, or killing Manatees.

(a) The Florida Manatee Act states: It shall be unlawful for any person at any time, by any means, or in any manner intentionally or negligently to annoy, molest, harass, or disturb any Manatee; capture or collect or attempt to capture or collect any Manatee; pursue, hurt, wound, or kill any Manatee; or possess literally or constructively any Manatee or any part of any Manatee. Any person violating the provisions of this paragraph shall be guilty of a misdemeanor of the first degree.

(b) Additional penalties of fines up to \$20,000 and one year imprisonment, or both, are provided for under the Federal Endangered Species Act of 1973, as amended, and the Marine Mammal Protection Act of 1972.

(3) Instruct appropriate work shift personnel in the appearance, habits, biology, migratory patterns, and preservation of the Manatee. At least one of these trained personnel shall be present on-site during construction activities to maintain a constant surveillance for Manatees, assure the cessation of ensure activities (such as dredging, excessive turbidity, and construction barge activity), that may endanger Manatees cease, and assure that uninhibited passage for the animal is provided.

Instruct all work crews associated with the project of Manatees and the need to avoid collisions with Manatees.

(4) Post signs in the waterway to safeguard Manatees in the project area. Specific warning sign and design placement is a condition of the Water Management District.

The Contractor shall abide by the following permit conditions:

(1) Reporting of Manatee activity is required:

(a) Post the Manatee Hotline Number (1-800-342-5367) at on-site telephones to be used for information or help in dealing with Manatee problems. Telephone reports must be made immediately to the Florida Marine Patrol (Manatee Hotline Number) and the U.S. Fish and Wildlife Service (Jacksonville - North Florida Field Office: 904-232-2580 or Vero Beach - South Florida Field Office: 561-562-3909) in the event of any injury, collision with, or killing of Manatees.

(b) Keep a log detailing sightings, collisions or other contact with Manatees as events occur during construction. When work is completed, forward this data to Florida Department of Environmental Protection, Marine Research Institute, Office of Protected Species Research, 100 Eighth Ave., S.E., St. Petersburg, FL 33701-5095; and the U.S. Fish and Wildlife Service, 6620 South Point Drive, South, Suite 310, Jacksonville, FL 32216-0758 Attn: Bob Turner.

(2) Operate all vessels associated with the project at "no wake/idle" speed at all times.

(3) Cease all construction activity in open water when a Manatee is sighted within 300 feet (90 m) of the project area. Construction may not resume until the Manatee has departed the area.

(4) No construction debris shall be disposed of into the water.



(5) Prior to blasting and bridge demolition activity, conduct a visual survey of the affected areas to determine if any Manatees are present. If Manatees are present, cease work until they are safely out of the area.

Take the following precautions if the project area contains suitable habitat for sea turtles:

Prior to blasting activity, conduct a visual survey for an area with a 500 foot (150 m) radius from the center of each blast site for sea turtles.

This visual survey consists of an underwater search by a scuba dive team and a surface search by boat(s). Conduct the underwater search within a 160 foot (50 m) radius from the blast site. The boat(s) will search the total survey area (500 foot (150 m) radius from center of blast) for free swimming turtles in the water column. If any turtles are located within the survey area, take the following measures:

a. Relocate all turtles found as permitted under the provisions of the National Marine Fisheries Service (NMFS), Southeast Fisheries Center Research Permit, or under a new research permit obtained from U.S. Department of Interior, applied for by the Department specifically for turtle relocation. Coordinate elements of the survey and relocation plan with NMFS, Southeastern Regional Office.

b. Do not begin blasting until the survey is complete and turtles found have been satisfactorily relocated.

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## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

**FWC Approved Manatee Educational Sign Suppliers**

**ASAP Signs & Designs**

624-B Pinellas Street  
Clearwater, FL 33756  
Phone: (727) 443-4878  
Fax: (727) 442-7573

**Wilderness Graphics, Inc.**

P. O. Box 1635  
Tallahassee, FL 32302  
Phone: (850) 224-6414  
Fax: (850) 561-3943  
[www.wildernessgraphics.com](http://www.wildernessgraphics.com)

**Cape Coral Signs & Designs**

1311 Del Prado Boulevard  
Cape Coral, FL 33990  
Phone: (239) 772-9992  
Fax: (239) 772-3848

**Municipal Supply & Sign Co.**

1095 Fifth Avenue, North  
P. O. Box 1765  
Naples, FL 33939-1765  
Phone: (800) 329-5366 or  
(239) 262-4639  
Fax: (239) 262-4645  
[www.municipalsigns.com](http://www.municipalsigns.com)

**Vital Signs**

104615 Overseas Highway  
Key Largo, FL 33037  
Phone: (305) 451-5133  
Fax: (305) 451-5163

**Universal Signs & Accessories**

2912 Orange Avenue  
Ft. Pierce, FL 34947  
Phone: (800) 432-0331 or  
(772) 461-0665  
Fax: (772) 461-0669

**New City Signs**

1829 28<sup>th</sup> Street North  
St. Petersburg, FL 33713  
Phone: (727) 323-7897  
Fax: (727) 323-1897

**United Rentals Highway Technologies**

309 Angle Road  
Ft. Pierce, FL 34947  
Phone: (772) 489-8772  
or (800) 489-8758 (FL only)  
Fax: (772) 489-8757

# **CAUTION: MANATEE HABITAT**

All project vessels

## **IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

## **SHUT DOWN**

Report any collision or injury to:

**1-888-404-FWCC** (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission